

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and

The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.616 of 2006

Rajivi Gandhi

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Magistrate and
District Collector,
Villupuram District,
Villupuram.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the order passed by the second respondent in No.C2/13016/2006 dated 13.03.2006, quash the same and produce the detainee viz., Kattachi @ Renganayagi, W/o Selvam, who is now confined at Special Prison for Women, Vellore-2 before the Court and set her at liberty.

For Petitioner : Mr.N.Doraisamy for
Mr.M.Ramadoss

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the son of the detenu by name Kattachi @ Renganayagi, who is detained as a "Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 13.03.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Additional Public Prosecutor has placed the details, which show that the representation of the detenu was received by the Government on 06.04.2006 and remarks were called for on 07.04.2006 and the reminder was sent on 20.04.2006 and the remarks were received by the Government on 24.04.2006 and the File was submitted on the same day i.e. on 24.04.2006 and the same was dealt with by the Under Secretary and Deputy Secretary also on the same day i.e. on 24.04.2006 and finally, the Minister for Prohibition and Excise passed orders on 25.04.2006. The rejection letter was prepared on 10.05.2006 and the same was sent to the detenu on 12.05.2006 and served to her on 15.05.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 25.04.2006, there is no explanation at all for taking time for preparation of rejection letter till 10.05.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays, we are of the view that the time taken for preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of her representation. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.
2. The District Magistrate and District Collector, Villupuram District, Villupuram.
3. The Superintendent, Special Prison for Women, Vellore-2.
(In duplicate for communication to detenue)
4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. M. Ramadoss, Advocate SR No. 40471

NG(CO)
SR/8.9.2006

HCP. No.616 of 2006

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